

# Water

## **The Problem**

The battle over water for agriculture, energy generation and fish rages on while current law governing the use of water creates a great deal of uncertainty and encourages waste of this precious resource.

One of the latest examples comes with the Department of Ecology's effort, dubbed the Columbia River Initiative, to ignore the dire needs of agriculture and growing communities in favor of returning more than sufficient amounts of water to the river for fish.

Another example is the Department of Ecology's setting of minimum stream flows throughout the state and focusing on implementing local water-management plans with little regard to local needs and input.

## **The Solution**

For several years, Senate Republicans have led the charge to put farmers on equal footing with fish by streamlining the permit process — bringing more certainty and encouraging more efficient use of water.

## **Background**

- Approximately 170,000 people in Washington work for agriculture-related businesses.
- Water is the engine that drives the rural economy and feeds the world.
- A predictable water supply offers some stability and certainty in an industry often plagued with instability and uncertainty.
- Current law allows the Department of Ecology (DOE) to cancel a water right after five consecutive years of full or partial nonuse. Exceptions include military service in a time of crisis, drought, irrigation reductions related to electricity supply, and legal proceedings.
- In 2001, with a backlog of approximately 7,100 water right permit applications, the Legislature approved a bill to create two lines for pending water right applications, one line for changes and transfers, and the other for new applications. Since enactment of the legislation, DOE reports it has tripled its water right decisions.

## **SRC Wins - 2005**

On March 10, 2005, the governor declared a state drought emergency. The Legislature activated several emergency tools and provided emergency funding in the operating and capital budgets. The Legislature approved a Republican-sponsored bill (HB 2166) creating a Joint Legislative Committee on Water Supply During Drought. The purpose of the committee is to ensure funds are allocated as efficiently and effectively as possible so those who need water get water during a drought.

## **SRC Wins - 2004**

- SSB 5590 – Clarified and made consistent the time period in which a person may file an appeal to the Pollution Control Hearings Board.

- E2SSB 5957 – Required DOE to use credible data when taking certain actions required by the federal Clean Water Act. The measure also required DOE to develop a policy regarding the use of scientific research and literature, credible data criteria and data collectors’ training and experience.
- ESSB 6125 – Allowed for the appointment of alternate members of water conservancy boards, giving the boards more flexibility to make timely decisions on water right changes despite board commissioner absences.
- SSB 6575 – Required DOE to conduct a use attainment analysis of water bodies within a federal reclamation project. These projects were built for the purpose of irrigation. Prior to this change, the use-based classifications used by DOE caused irrigation district waters to be listed as impaired waters, when the water was not impaired for its intended use of irrigation.

### **SRC Wins - 2003**

- ESSB 5028 – Clarified Washington’s authority to regulate water pollution and prohibited DOE from taking water quality enforcement action against water right holders if the right is used in accordance with the law.
- 2E2SHB 1336 (SSB 5027) – Outlined a framework for the fourth and final phase of the watershed planning process – implementation.
- 2E2SHB 1338 (SB 5331) – Protected municipal water rights from relinquishment through non-use and allowed them to expand as demand within a service area grows.

### **SRC Wins - 2001**

- ESHB 1832 – The omnibus water package, approved with the momentum gained by a drought, was a step toward balancing water needs between agriculture, energy generation and salmon habitat. The measure also streamlined the water right process by creating “two lines” for the processing of water right permits; one for changes to existing permits, and the other for new permits.

### **SRC Goals**

- Expand upon the work over the past few years to facilitate a less bureaucratic, more user-friendly water right system that puts the needs of people and their livelihoods on equal footing with fish.
- Protect the use of water for agricultural purposes. (SB 6486, 2004)
- Create a “general agriculture use” category in water rights laws to facilitate transfers.
- Create a confirmation process for existing water rights in which the rights would be examined by a court-appointed referee and a quantity of use would be determined based on the previous 10 years of use. (SB 6734, 2004)
- Amend the Washington State Constitution to create a state water court system with elected water court judges that will hear water-related cases in the locale where the water disputes originate. (SJR 8224, 2004)
- Ease the stringent “use it or lose it” provision that encourages the inefficient use of water. (SB 6734, 2004; SB 5025, 2003)